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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,292	06/15/2001	Laura T. Putnam	1525D/113	6870
2101	7590	10/04/2005	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			BOYCE, ANDRE D	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*HL*

## Office Action Summary

Application No.

09/882,292

Applicant(s)

PUTNAM ET AL.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-103 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1, drawn to recommending industries for a job seeker's job search, including receiving input from a user related to the job seeker's present job function, using the job function input to access an industry correlation data structure, and determining a set of recommended industries for the job seeker's job search, classified in class 705, subclass 8.
  - II. Claims 2, 68-72, 74-79, and 103, drawn to recommending industries in which an employer may find a population of potential employees, including receiving input from a user related to the employer's industry and to a job function of interest to the employer, using the job function input to access an industry correlation data structure, and determining a set of recommended industries in which the employer may find a population of qualified potential employees, classified in class 705, subclass 8.
  - III. Claims 3-62, 80-87, and 88-102, drawn to identifying industries for potential transfer of a job function capability, including identifying a job function in the first industry, and accessing a database, stored on a digital storage medium, that correlates, for the job function, the first industry with a set of second industries with respect to which the job function capability is potentially transferable, classified in class 705, subclass 8.

IV. Claims 63-67, drawn to maintaining a database for use in identifying employment options, providing a database for a job function in a first industry, that correlates the first industry with a set of second industries, and updating the database's correlation of industries based upon feedback information, classified in class 705, subclass 8.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as recommending industries for a job seeker's job search, including receiving input from a user related to the job seeker's present job function, using the job function input to access an industry correlation data structure, and determining a set of recommended industries for the job seeker's job search. In the instant case, invention II has separate utility such as recommending industries in which an employer may find a population of potential employees, including receiving input from a user related to the employer's industry and to a job function of interest to the employer, using the job function input to access an industry correlation data structure, and determining a set of recommended industries in which the employer may find a population of qualified potential employees. Further, a determination is made of the job seeker's educational background, including classes taken, and degrees obtained. In the

instant case, invention III has separate utility such as identifying industries for potential transfer of a job function capability, including identifying a job function in the first industry, and accessing a database, stored on a digital storage medium, that correlates, for the job function, the first industry with a set of second industries with respect to which the job function capability is potentially transferable. Further, the database quantifies degree of transferability. In the instant case, invention IV has a separate utility such as maintaining a database for use in identifying employment options, providing a database for a job function in a first industry, that correlates the first industry with a set of second industries, and updating the database's correlation of industries based upon feedback information. Further, correlation is performed using a preference analysis technique, collaborative filtering and a preference matrix. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and the search required for each Group (i.e., Groups I, II, III, and IV) is not required for each of the other Groups, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Jeffrey Klayman on September 26, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*adb*  
adb  
September 26, 2005

*Romain Jeanty*  
**ROMAIN JEANTY**  
**PRIMARY EXAMINER**  
*Art Unit 3623*